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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

ELIZABETH L. TATE and
BRUCE S. TATE,

Plaintiffs,

vs.

Case No. 87-CV-015674

OWENS-CORNING FIBERGLAS CORPORATION,
OWENS-ILLINOIS, INC.,
EAGLE-PICHER INDUSTRIES, INC.,
KEENE CORPORATION,
CAREY CANADA, INC.,
THE CELOTEX CORPORATION,
PITTSBURGH-CORNING CORPORATION,
FIBREBOARD CORPORATION,
ALLIED INSULATION SUPPLY CO., INC.,
W.R. GRACE & CO.-CONN.,
SPRINKMANN SONS CORPORATION,

Defendants.

Deposition of FRANK HOFSTETTER, taken at
the instance of the Defendants, under and pursuant to the
provisions of Section 804.05 of the Wisconsin Statutes,
pursuant to stipulation, before DIANNE GORDON-CALIVA,
a Notary Public in and for the State of Wisconsin, at 735
North Water Street, 16th Floor, Milwaukee, Wisconsin, taken
on January 22, 1991, commencing at 12:30 p.m. and
concluding at 1:17 p.m.

A P P E A R A N C E S

CUNNINGHAM, LYONS & CABANISS, S.C., by
RONALD G. TAYS, ESQ., 207 East Michigan Avenue, Fourth
Floor, Milwaukee, Wisconsin, 53202, appeared on behalf of
the Plaintiffs.

BORGELT, POWELL, PETERSON & FRAUEN, S.C., by
MARK S. DES ROCHERS, ESQ., 16th Floor, 735 North Water
Street, Milwaukee, Wisconsin, 53202, appeared on behalf of
the Defendant, Owens-Corning Fiberglas Corporation.

HINSHAW & CULBERTSON, by DANIEL G. BRENNAN,
ESQ., Suite 500, 788 North Jefferson Street, Milwaukee,
Wisconsin, 53202, appeared on behalf of the Defendant,
Allied Insulation Supply Co., Inc.

GODFREY, TRUMP & HAYES, by GEORGE M.
SCHIMMEL, ESQ., 700 First Financial Centre, 700 North Water
Street, Milwaukee, Wisconsin, 53202, appeared on behalf of
the Defendant, W.R. Grace & Company.

MITCHELL, BAXTER & ZIEGER, S.C., by PAUL N.
BRANDAU, ESQ., Suite 408, Mackie Building, 225 East
Michigan Street, Milwaukee, Wisconsin, 53202, appeared on
behalf of the Defendant, Sprinkmann Sons Corporation.

NIEBLER & NIEBLER, by ROY E. WAGNER, ESQ.,
N95 W16975 Richfield Way, Menomonee Falls, Wisconsin,
53051, appeared on behalf of Sprinkmann Sons Corporation.

I N D E X

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	by Mr. Brennan	25
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E X H I B I T S

NONE

TRANSCRIPT OF PROCEEDINGS

FRANK HOFSTETTER, having first been duly sworn, was examined and testified as follows:

MR. DES ROCHERS: Good afternoon,

Mr. Hofstetter. My name is Mark Des Rochers and I represent one of the defendants in this case. These other attorneys will have a chance to introduce themselves to you when it's their turn to ask you some questions, all right?

THE WITNESS: All right.

MR. DES ROCHERS: I know you have had your deposition taken before. I'm sure you are familiar with the procedure. I am just going to run through a few suggestions, a few reminders. You know you should answer all your questions outloud and in standard English. You should also make sure that

1 you understand the question that I ask you, so don't
2 be afraid to ask me to clarify the question for you,
3 all right?

4 THE WITNESS: Yep.

5 MR. DES ROCHERS: It's also important that
6 you and I don't talk at the same time. I know it's
7 natural in conversation for people to do that, but
8 you should try to wait until I am done asking a
9 question before you answer it, all right?

10 THE WITNESS: All right.

11 MR. DES ROCHERS: And you understand that
12 you're under oath here today, right?

13 THE WITNESS: Yes.

14 Q You understand the testimony here today can used at
15 a later date in front of a judge and jury?

16 THE WITNESS: Yes.

17 E X A M I N A T I O N

18 BY MR. DES ROCHERS:

19 Q You have been deposed before previously?

20 A Yes, I have.

21 Q In fact, you were here about a week ago and you were
22 deposed in Mr. Nicholson's case, correct?

23 A Yes.

24 Q You have also been deposed in the Richard Wandsnider
25 case and in the William Holcomb case and in the

1 Thomas Hay's case?

2 A Yes.

3 Q And when you were asked questions at all those
4 depositions you were under oath; weren't you?

5 A Yes.

6 Q And you gave truthful answers to those questions?

7 A Yes.

8 Q Yes, you did?

9 A Yes, the best of my knowledge everything I do, I
10 mean, that's 40 years ago, I mean, the best I can.

11 Q You know we're here today because you have been
12 named as a witness in Bruce Tate's case, correct?

13 A Yes.

14 Q Did you know Mr. Tate?

15 A Yes.

16 Q Did you work with Mr. Tate?

17 A Yes.

18 Q Were you social friends with Mr. Tate?

19 A Not really.

20 Q By not really, did you ever go for say a drink after
21 work with Mr. Tate?

22 A Yes, probably. But not -- maybe (indicates) that
23 many times over that many years.

24 Q Maybe five times or so?

25 A Yes.

1 Q All right. Did you do anything to prepare for this
2 deposition today?

3 A No. I don't really have nothing, you know, pictures
4 or nothing.

5 Q Did you spend a little time thinking about where you
6 worked with Mr. Tate?

7 A Kind of, yes.

8 Q Did you spend some time thinking about the products
9 you might have worked with with Mr. Tate?

10 A Yes. I am trying to think what we used, you know,
11 but most of them are all the same products from
12 everybody I worked with.

13 Q You understand that it's important in every one of
14 these cases to try to link a particular party at a
15 particular job site with a particular product,
16 correct?

17 A Yes.

18 Q So the fact that you worked with a product doesn't
19 necessarily mean that Mr. Tate worked with a
20 product, correct?

21 A Yes, I imagine that would be.

22 Q For the majority of your career you worked as an
23 insulator, correct?

24 A Yes.

25 Q Why don't you just tell us the job sites that you

1 recall working with Bruce Tate.

2 A Well, Oak Creek for sure. I know that. I worked at
3 the powerhouse in Port Washington and I worked with
4 him at Rock River Power Plant.

5 Q Rock River Power Plant? That's in Janesville?

6 A Yes. I know I worked on a lot of jobs with him, but
7 I just can't -- I mean, throughout those years, I
8 just can't really pick out. I worked at Badger
9 Ordinance with him for sure.

10 Q So the best of your recollection is, as you sit here
11 now, those four places?

12 A The bigger jobs. I mean, sometimes the job was two
13 weeks or three weeks, I mean, them years. I don't
14 remember where or what.

15 Q So besides the four places you have mentioned here;
16 Oak Creek, Port Washington Powerhouse, the Rock
17 River Power Plant and Badger Ordinance, you can't
18 think of any other job sites that you worked with
19 Mr. Tate?

20 A I think I worked, I don't know, Woods I thought. I
21 don't know. About the best I can do.

22 Q The four job sites you mentioned previously?

23 Yeah, I know there was probably a hundred other
24 ones, but they're small jobs, you see.

25 Q Do you remember when you worked at Badger Ordinance,

1 what years approximately you would have worked
2 there?

3 A I worked there a few times and I think it was all in
4 the '50s, I imagine. I think it was, yeah.

5 Q Can you try to recall approximately what year you
6 worked at Badger Ordinance when you recall seeing
7 Bruce Tate there?

8 A Well, we were there a few times. I don't know
9 years. I have no idea.

10 Q Okay.

11 A But it had to be in the '50s, you know, from '52
12 maybe '51. Trying to think what we were driving at
13 the time, automobile, because I don't remember.

14 Q So you think it was the early '50s?

15 A It was. I think it was, yes. I think it was the
16 early '50s, like '53, maybe '54, '55. Maybe once
17 later on, too.

18 Q Can you tell me what you were doing at Badger
19 Ordinance in the early '50s?

20 A Well, we were insulating pipes. I never did get on
21 the boiler work. Seems like it was Unibestos. It
22 was outside.

23 Q So the work --

24 A And magnesia.

25 Q Excuse me?

1 A Magnesia.

2 Q So the work you recall doing at Badger Ordinance was
3 the outside pipe runs primarily?

4 A There was a lot of outside. We did work in some of
5 those, I don't know what they call them little
6 buildings, but I always tried to get outside if I
7 could.

8 Q And by outside you mean you weren't enclosed by four
9 walls or a ceiling?

10 A No. For me the majority of the time I worked
11 outside. I did work in some of the buildings.
12 There's always heating in the building. We worked
13 there and that is where we used the mud more or less
14 in there.

15 Q Did you work on a crew at Badger Ordinance, with a
16 crew of people?

17 A Yeah. What do you mean, altogether or --

18 Q I mean was there a crew of guys up there?

19 A Yeah.

20 Q How many insulators were there total would you say
21 when you were there at Badger Ordinance?

22 A God, at times there was probably 20, you know,
23 estimate. And maybe at times there was only five.
24 Most of the time I think when I was up there there
25 was quite a crew.

1 Q Did you work with a partner at Badger Ordinance?

2 A Yes, most of the time I did.

3 Q Do you remember who your partner was?

4 A Well, I worked with Dick Wandsnider, I know that.

5 And I worked with Dick Scheible and Bruce, Bruce's

6 dad. Almost everybody. I mean, there wasn't a

7 pacific (sic) partner, you know.

8 Q So what kind of work do you remember Bruce doing at

9 Badger Ordinance?

10 A Everything I did. Everything, any pipecover.

11 Q So he would have also been working on the inside

12 pipe runs?

13 A He might have worked inside the boiler room, too.

14 I think Globeck was in there, I think. There was

15 quite a few guys in there.

16 Q But you didn't work in the boiler room?

17 A I did a couple days, but, I mean, I worked in the

18 building, too. I worked all over. Most of the time

19 I tried to get outside. I tried to get out in the

20 summer, but they always put me out there in the

21 winter is what they did.

22 Q You were working for Sprinkmann at the time?

23 A Yes.

24 Q Do you know how long of a time period you worked at

25 Badger Ordinance in the early '50s?

1 MR. TAYS: With Mr. Tate you mean or
2 by himself? If it's just by himself I will object --
3 to the relevance. If it's with Mr. Tate then
4 obviously I won't object.

5 MR. DES ROCHERS:

6 Q With Mr. Tate.

7 A I have no idea. I mean, I know I worked with him.
8 Could have been three months, it could have been six
9 months. I was up there off and on, like I said, you
10 know.

11 Q By off and on, you mean you would go and work at
12 other jobs --

13 A Yeah.

14 Q -- for months at a time?

15 A Right.

16 Q And then return to Badger Ordinance?

17 A Yeah.

18 Q So you can't tell me how long Bruce Tate worked at
19 Badger Ordinance?

20 A No, I couldn't tell you that.

21 Q Do you know --

22 A I think he worked there longer than I did though
23 because his dad started that job at one time.

24 Q Can you tell me what products you worked with or
25 around at Badger Ordinance, what products you

1 believe contained asbestos that you worked with or
2 around at Badger Ordinance during this time period
3 you recall seeing Bruce Tate there?

4 A Well, it was blue mud. The normal stuff, you know,
5 Unibestos, 85% magnesia, Fibre Coat Mastic.
6 Covering and block I mean.

7 Q Do you know where this insulation products, or these
8 products you believe contained asbestos, do you know
9 where they came from that you worked with?

10 A You mean who was the manufacturer, where they were
11 supplied from?

12 Q Who they were supplied by.

13 A Sprinkmann.

14 Q And did you ever see Sprinkmann trucks delivering
15 these products to Badger Ordinance?

16 A Oh, sure.

17 Q Were you ever involved in loading --

18 A Yes.

19 Q -- and unloading these trucks?

20 A Yeah.

21 Q Can you tell me when you worked at Rock River
22 Powerhouse?

23 A That had to be about that time, too.

24 Q Early '50s, middle '50s?

25 A I would say middle '50s.

1 Q If you had testified previously that you worked
2 there from '55 to '57, would that be an accurate
3 statement?

4 A Probably. I just remember -- it seems to me that,
5 now that I think back, it was maybe even '54 because
6 I think Bruce had a new car. He always had a new
7 car and it seemed to me that he had a new car at
8 that time, so.

9 Q How is it that you remember that Bruce had a new
10 car?

11 A Because I used to follow him up almost all the time.

12 Q You used to follow him to work in the morning?

13 A Yeah. Yeah, or meet him on the highway. Not follow
14 -- well, yes at times follow. I met him on the
15 highway.

16 Q Can you tell me what kind of work you were doing at
17 Rock River Powerhouse?

18 A Piping. We was doing Unibestos there, too, and same
19 thing; magnesia and mud, you know, Eagles. Just the
20 same stuff. I mean insulate all the pipes, most all
21 the pipes. Blue mud. Did I say that one?

22 Q You have a specific recollection of seeing Mr. Tate
23 working with any of these products?

24 A Sure, yeah.

25 Q Was Mr. Tate your partner at the Rock River

1 Powerhouse?

2 A He could have been, but I wouldn't swear to it, but,
3 I mean, I worked with so many guys. I probably
4 worked with the whole local, half the local that was
5 there, you know. It's, like I said, we weren't just
6 designated one partner. Come in one day and you
7 work with somebody else, you know.

8 Q Were you also working for Sprinkmann at the Rock
9 River Powerhouse?

10 A No, I think that was Armstrong or Universal. I
11 think Armstrong at that time.

12 Q You were working for Armstrong?

13 A Yeah, I think he was, too, if I am not mistaken
14 because we were changing clothes in the same place.
15 I can remember that.

16 Q Can you tell me the names of any other insulators
17 that you worked with during this time period that
18 you worked at Rock River with Bruce Tate?

19 A Quite a few. Gottsacker, you know, I think and
20 Palowski (ph), Charlie Burns. There aren't too many
21 around no more. There was a lot of guys there, I
22 know. I think the Hays were there, too, Tom Hay.
23 Red Hay.

24 Q Can you remember when you worked at Port Washington
25 Powerhouse?

1 A Yes, that was right after I started. It was about
2 in '49, '49 or late, probably between '49 and '50.

3 Q What kind of work were you doing at the Port
4 Washington Powerhouse?

5 A Most of the time there I was just handling material.
6 I was a helper.

7 Q Do you remember what Bruce Tate was doing when you
8 saw him at the Port Washington Powerhouse?

9 A He was applying. He was a little bit, he was there
10 before I, but I don't believe he was a mechanic yet
11 either, but I think he was applying, too.

12 Q Can you tell me the names of any other insulators
13 who were working at the Port Washington Powerhouse
14 during this time?

15 A Probably all the guys. I mean, can't remember the
16 names. Well, I think Warren Hanson started running
17 the job, then Joe Stolper took over and then there
18 was -- Man, I can't remember their names.

19 There was a lot of people. Now I am trying to
20 think. Tommy Hay.

21 Q Did you work with a George Weber at the Port
22 Washington Powerhouse?

23 A George Weber, yeah.

24 Q Can you tell me --

25 A I think the Wahners, too.

1 Q Pardon me?

2 A The two Wahners, you know, Ralph. The Wahners.

3 What is the big guy's name, Gilbert and his dad.

4 There's some more. I'm trying to think. I don't

5 know, maybe it will come to me, but not right now.

6 I just can't.

7 Q Can you tell me the names of any of the products

8 that you believe contained asbestos that you worked

9 with or around at Port Washington?

10 A The same products.

11 MR. TAYS: I just want to interject, you're
12 talking about with Mr. Tate?

13 A Yeah, the same products.

14 MR. DES ROCHERS:

15 Q Did you work with Thermobestos at Port Washington
16 Powerhouse?

17 A I couldn't swear to that.

18 Q Did you work with Eagle-Picher 66 at Port
19 Washington?

20 A Yeah.

21 Q Did you work with Johns-Manville 352 at Port
22 Washington?

23 A Yes.

24 Q Did you work with Johns-Manville 85% magnesia at
25 Port Washington?

1 A Yes.

2 Q You were Bruce Tate's helper at Port Washington?

3 A No, I don't think so because we worked together, but
4 I don't believe he was a mechanic yet. I think he
5 was later on, you know. I mean, we worked together,
6 like if I would give him stuff, or he would help
7 me get stuff or unload a truck or whatever. He was
8 -- that way I worked with him.

9 Q But he had advanced to the point where he was
10 applying insulation?

11 A Yeah. He was applying there. I think Tommy Hay was
12 too. They were a little bit ahead of me.

13 Q Do you remember how long you worked at Port
14 Washington Powerhouse?

15 A Not really. Could have been a few months or maybe
16 even a little bit more.

17 Q How about Oak Creek, do you remember when you
18 started working there?

19 A That was when it started, whenever it started, so
20 late '50s, you know, early '50s to all the way
21 through. And Bruce I think worked the same as I
22 did. He was there once in awhile and he was gone
23 just like everybody else was. When it was the big
24 push we all were.

25 Q I think you testified before that Oak Creek was on

1 and off at this point?

2 A Right.

3 Q Which would mean that you would be gone from Oak
4 Creek months at a time?

5 A Right. Sometimes I would be back there for a year.

6 Q Could you give me an estimate of how many jobs,
7 other jobs you went to from the time you started
8 working at Oak Creek in the early '50s until the
9 last time you worked there?

10 MR. TAYS: I'll place an objection in that
11 it doesn't pertain to Mr. Tate unless you're
12 limiting it that way.

13 A I have no idea. I mean, I don't -- I mean, it could
14 have been maybe 50, you know.

15 MR. DES ROCHERS:

16 Q Can you tell me, or I think you have testified
17 previously that you worked on Units 1 through 4
18 at Oak Creek; is that correct?

19 A I think I was on all the way through off and on with
20 that. That is the best of my knowledge because I
21 was there until I left Sprinkmann off and on, you
22 know, the last -- in the '60s it wasn't probably as
23 often as it was in the '50s, but, you know.

24 Q Now when you say you worked on different units,
25 would this involve, you know, their Number 1 through

1 4? Doesn't mean they worked on Unit Number 1 first
2 and completed that and then they moved on and worked
3 on Unit Number 2?

4 A How do you mean that? I mean, when the first unit,
5 we all worked on the first unit.

6 Q Okay.

7 A You know, and then we progressed.

8 Q Okay. So Unit 1 would be completed then you would
9 move on?

10 A Well, sometimes we were in 2 and we were still
11 working on 1 and then sometimes they tear off on one
12 and we were working on 4.

13 Q Now just so I can picture this in my own mind, are
14 they units separated by, are they in different
15 buildings, in different rooms in the powerhouse?

16 A Well, it's one big building, but there are
17 definitely walls in between, doorways, you know,
18 stairwells, elevators.

19 Q Were you yourself ever involved in any repair work
20 on any of these units?

21 A Yes.

22 Q Would you say you spent more time working on the new
23 construction part of these units or on repair work
24 and remodelling?

25 MR. TAYS: Again, I will have to place an

1 objection that that doesn't pertain to Mr. Tate,
2 it's therefore not relevant to this case. You can
3 go ahead and answer it though, Mr. Hofstetter?

4 A I think it was mostly new in those years.

5 MR. DES ROCHERS:

6 Q Okay. Are we talking about the late '50s now, I
7 mean?

8 A Talking about from '50 to whenever they were built
9 there. I don't know what years they were.

10 Q If you had --

11 A Most of the time it was on new work but, you know,
12 at times they rip off and you go back, you know what
13 I mean? Even if that unit started, maybe we had to
14 fix it. One time a big fan blew up. Well, we had
15 to go back and redo it, you know.

16 Q Do you remember testifying in Mr. Nicholson's
17 deposition (sic), in that deposition that between
18 the years '58 to '62 you were primarily on new
19 construction?

20 A I don't believe so.

21 MR. TAYS: Primarily on new, is that what
22 you mean?

23 MR. DES ROCHERS:

24 Q Primarily on new.

25 A Between '68? Why would I say that?

1 Q Between '58 to '62.

2 A I don't know.

3 Q The question was -- I am referring to Page 25 of the
4 deposition in which Mr. Hofstetter gave:

5 "Okay. Assume that Unit 4 was done in
6 '57 or '58 and you kept working through '62 at
7 Oak Creek, does that make you think you were
8 working on units beyond 4 or you might have
9 been going back to do remodelling or repair
10 work on 1 through 4?"

11 "I don't think in those years, I think it would
12 have been a new unit."

13 Q Is that true?

14 MR. TAYS: Well, I think you should show him
15 the transcript in view of he said he couldn't
16 remember the earlier testimony, so if you're going
17 to use the earlier testimony I think he should get
18 to look at it.

19 A I would say most of my work at Oak Creek -- Well,
20 Bruce did later on, but most of mine was new work.
21 I said sometimes they had a problem that we would go
22 back and fix it. Does that answer the question
23 then?

24 MR. DES ROCHERS: Yes, it does.

25 THE WITNESS: All right.

1 MR. DES ROCHERS:

2 Q Can you tell me the names of any of the products you
3 believe contained asbestos that you worked with or
4 around at Oak Creek?

5 A Same as I said before.

6 Q Maybe you could list them for us just so that the
7 record is complete.

8 A I don't know. Magnesia, Hi-Temp, Eagles, you know,
9 352, Fibre Coat, Thermasil, Calsil. I mentioned
10 Kaylo.

11 MR. TAYS: Pardon?

12 THE WITNESS: I mentioned Kaylo?

13 MR. TAYS: No, you didn't mention Kaylo.

14 MR. DES ROCHERS:

15 Q That was there?

16 A Yeah. Asbestos cloth, 85% magnesia mud, you know,
17 that's Hi-Temp mud.

18 Q Did you work with Rock Wool blankets?

19 A Rock Wool blankets, yes.

20 Q Did you work with Ehret pipecovering at Oak Creek?

21 A Yes.

22 Q Did you work with Ehret block at Oak Creek?

23 A Yes.

24 Q Did you work with Carey pipecovering at Oak Creek?

25 A Yes.

1 Q Did you work with Carey block at Oak Creek?

2 A Yes.

3 Q Did you work with a Powerhouse Cement at Oak Creek?

4 A Yes.

5 Q Do you have a specific recollection of seeing Bruce
6 Tate working with any of these products that we've
7 talked about?

8 A Yes.

9 Q Can you tell me which ones in particular?

10 A I don't think he made any difference. I mean,
11 they're all the same to me, you work with
12 everything.

13 Q When you worked at Oak Creek were you ever partnered
14 with Bruce Tate?

15 A Yes.

16 Q Now when you worked at Sprinkmann at some point --
17 or Strike that.

18 When you worked at Oak Creek at some point you
19 wore paper masks or some sort of paper masks; is
20 that correct?

21 A Once in awhile.

22 Q Where did you get these masks from that you wore?

23 A They had some there, the powerhouse had some.

24 Q Did you ever see Bruce Tate wearing a mask?

25 A I can't remember. I would say he probably did

1 because I did once in awhile. You couldn't stand
2 it, they were miserable. That's why we didn't wear
3 them half the time.

4 MR. DES ROCHERS: Well, Mr. Hofstetter, I
5 think that's all the questions I have for you
6 subject to what these other gentlemen have. Thank
7 you.

8 MR. SCHIMMEL: I just have a quick question.

9 E X A M I N A T I O N

10 BY MR. SCHIMMEL:

11 Q You have given us four job sites and we've gone
12 through them in as much detail as you can remember.
13 Are there any other job sites that you worked with
14 Bruce Tate that you can recall at this time?

15 A I know I worked with him, but I just can't, I wish
16 I could, but I just can't remember.

17 Q Did you write anything down in any way to help you
18 recall anything?

19 A No, I didn't.

20 Q Did you have your own case, own asbestos claim going
21 at anytime?

22 A Well, I don't know. I think he is supposed to start
23 it. I've got Goldberg.

24 MR. SCHIMMEL: That's all the questions I
25 have.

1 MR. BRENNAN: Okay, excuse me, if I might
2 say, Mr. Hofstetter, I am Dan Brennan and I
3 represent Allied Insulation.

4 E X A M I N A T I O N

5 BY MR. BRENNAN:

6 Q You mentioned with Badger Ordinance that that was a
7 Sprinkmann job. As far as Rock River, Port
8 Washington and Oak Creek, were those Sprinkmann jobs
9 or who were you working for?

10 A No, I think -- I said I think that Rock River was
11 Armstrong.

12 Q Okay, I'm sorry.

13 A And what was the other job you mentioned?

14 Q Port Washington and Oak Creek, the four that we're
15 dealing with.

16 A Yeah, well, that was Sprinkmann.

17 Q Sprinkmann at Port Washington and Sprinkmann at Oak
18 Creek?

19 A Right.

20 Q Okay. And did you ever work for Mr. Tate's company,
21 Insulation Industries, Inc.?

22 A Yes.

23 Q You did. Do you know when you worked for them
24 approximately?

25 A Had to be in the '70s.

1 Q And you don't know any of the jobs that you did for
2 Insulation Industries, Inc.?

3 A Yeah, we did a hospital in Janesville. That was the
4 biggest job I think that we did. I can't remember.
5 I was there quite a few years, three, four years I
6 think until he went out of business in fact.

7 MR. BRENNAN: Okay, that's all I've got.

8 MR. WAGNER: Mr. Hofstetter, my name is Roy
9 Wagner.

10 E X A M I N A T I O N

11 BY MR. WAGNER:

12 Q Would it be a fair statement that Mr. Tate was
13 working in the areas that you were near when you
14 observed him? Is that your testimony, that he was
15 working nearby you when you saw the work being
16 installed?

17 A Well, I said sometimes I worked with a partner and
18 sometimes he was there, you know, just like all the
19 rest of the guys.

20 Q When you identified the various products that you
21 referred to in your past answers, would it be a fair
22 statement that Mr. Tate's coming in contact with
23 those products would have been under circumstances
24 where either he or other workers were installing
25 those products on the premises?

1 A If he uses the material, sure.

2 Q Or he was exposed to it when other people were
3 installing it on the premises as well?

4 A Yes.

5 Q That would be a fair statement as to all the
6 instances you can remember Mr. Tate working with
7 you?

8 A Yes.

9 MR. WAGNER: Okay, no other questions.

10 MR. TAYS: Just a couple for me,
11 Mr. Hofstetter, and I think you'll be free to go.

12 MR. SCHIMMEL: I just have a couple when
13 you're done.

14 MR. TAYS: Okay.

15 E X A M I N A T I O N

16 BY MR. TAYS:

17 Q At Badger Ordinance in the '50s you named Unibestos
18 and 85 magnesia. Were those -- Well, let me ask
19 them separately. The Unibestos, was that
20 pipecovering and block?

21 A Pipecovering.

22 Q All right. Were there any other types of
23 pipecovering out there other than Unibestos?

24 A Yeah, there was. I don't know, maybe Calsil or
25 Thermobestos.

1 Q Okay. Now you mentioned Calsil. Is that a brand
2 name of a product or type of insulation? Can you
3 tell me?

4 A I don't know. It was written on the box.

5 Q It said Calsil on the box?

6 A Yeah.

7 Q Do you remember how -- and this is kind of an, I
8 realize, farfetched -- how it was spelled on those
9 boxes?

10 A I believe it was C-A-L.

11 Q And the other part of it, do you recall? C-A-L

12 A C-A-L.

13 Q And that was --

14 A S-I-L on the end.

15 Q Okay, C-A-L-S-I-L. Am I spelling it right?

16 A I think so, yeah.

17 Q Do you know who made that?

18 A No, I don't know.

19 Q Okay. And you also talked about 85 magnesia. Was
20 that mud or pipecovering?

21 A Both. There was pipecovering and mud there.

22 Q Okay, and pipecovering. Okay, now also at the Rock
23 River Powerhouse you mentioned Unibestos again. Was
24 that pipecovering there?

25 A Yeah, there was pipecovering.

1 Q Okay. Any other types other than Unibestos at Rock
2 River that you can recall today?

3 A Well, there was the same, same products probably,
4 you know. I don't -- I mean, it was pipecovering
5 there. It wasn't all Unibestos, no. It was, you
6 know, magnesia and.

7 Q Okay. I noted you worked for Armstrong at that job
8 like you testified. Did you use any Armstrong
9 products at Rock River?

10 A There seems to me there was a block that says
11 Armstrong wrote right on it. I mean, now that you
12 bring this up, it seems like there was.

13 Q Was it a monoblock or it was --

14 A Kind of a gray block.

15 Q Okay. You mentioned the the name monoblock. What
16 does that mean?

17 A I don't know.

18 Q Is that a brand name or type of product or what,
19 if you can remember?

20 A I don't remember, but I remember monoblock. Whether
21 it was called monoblock or we called it that or the
22 manufacturer's name I don't know.

23 Q It's only been 40 years, are you sure you can't
24 remember that?

25 A No, I can't remember that.

1 Q What was the color of the monoblock?

2 A Well, that was kind of a dark, kind of a dark green
3 maybe.

4 Q And again, you mentioned magnesia. Was that mud or
5 --

6 A Both.

7 Q -- pipecovering?

8 A That would be both.

9 Q All right. Again, at the Port Washington
10 Powerhouse, and I know that was in 1949, you
11 mentioned three or four products, all of which were
12 cement. Do you remember the block or pipecovering
13 that may have been used there?

14 A It was magnesia block, you know, Hi-Temp block. And
15 like I said, Hi-Temp cement and your 352, Eagles,
16 and --

17 Q Okay.

18 A -- and the normal stuff that we would always use,
19 you know.

20 Q Okay. All the work you did at Oak Creek with Bruce
21 was for Sprinkmann and Sons, would that be correct?

22 A Yes.

23 Q Okay --

24 A And in those years.

25 Q In the 1950s?

1 A Right.

2 Q Okay.

3 A Because I did work for Bruce later, way later, you
4 know.

5 Q You mentioned at Oak Creek you mentioned a product
6 Kaylo. What kind of product was that?

7 A Block and covering.

8 Q All right. And was that used at Oak Creek?

9 A Yes.

10 Q What was it used for there; do you remember?

11 A What do you mean?

12 Q What was it put on?

13 A Piping and I don't know, whatever, heaters or
14 preheaters or big fans, you know.

15 Q When you were working for Industrial Insulation,
16 that was Bruce's company, correct?

17 A Yes.

18 Q Would he come out to the job sites?

19 A Yes.

20 Q How often would that happen?

21 A Not real often.

22 Q When he did come, would he come right out to where
23 you were working?

24 A Yes, we were -- you mean right on the job?

25 Q Yeah, right out --

1 A Yeah.

2 Q And would he inspect it? What would he do if he
3 would, when he was out there?

4 A Well, if there was a problem he would, you know,
5 tell us what to do and tell me what to do or.

6 Q Okay. Without necessarily repeating them, you
7 mentioned a hospital in Janesville, but other than
8 that you -- no other jobs come to mind for that
9 company; is that right?

10 A No. I worked in a lot of schools and stuff like
11 that, but I can't remember them. I never wrote them
12 down. I had no reason to.

13 Q Believe me, I understand. Do you remember any of
14 the products that you worked with at Insulation
15 Industries regardless of the job site for that
16 three- or four-year period?

17 A Well, most of the products at that time all went to
18 fiberglass.

19 Q You used a lot of fiberglass?

20 A Yes.

21 Q What about muds?

22 A It was all One Cote.

23 Q Do you know what type of One Cote it was? By that I
24 mean brand name or what it said on the bag, anything
25 like that?

1 A I don't know. I don't remember. I think they
2 still use it today. That was in the '70s, that
3 stuff. There was no more asbestos in that stuff.

4 Q You think it was asbestos-free by then?

5 A I think so. I hope so.

6 Q And you talked about fiberglass. Were they using
7 obviously fiberglass pipecovering?

8 A Block.

9 Q And fiberglass block?

10 A Right.

11 Q And that was, the majority of the work at Insulation
12 Industries was fiberglass and asbestos?

13 A Yeah, I would say 90 percent of that. Sometimes you
14 use urethane, but most of the time it was all, most
15 of the jobs were smaller jobs, you know.

16 MR. TAYS: I don't have anything else.

17 Thank you.

18 MR. SCHIMMEL: Okay, I just have a few
19 follow-up questions about Insulation Industries.

20 E X A M I N A T I O N

21 BY MR. SCHIMMEL:

22 Q You said you worked there for about three or four
23 years?

24 A I think it was that.

25 Q And you worked specifically for Bruce Tate, right?

1 A Yes.

2 Q Okay. Do you know when during that, when that three
3 to four years was during the 1970s?

4 A Must have been -- must have been the late '70s
5 because I think the last company I worked for was
6 Advance other than Byron, and I was there for seven
7 or eight years, so it had to be right in there.

8 Q So your best estimate is the late '70s?

9 A I would say.

10 Q When you worked for Insulation Industries, how many
11 other workers were there working for Mr. Tate?

12 A There were few. I think at times it went up to 10,
13 15 guys, but then it went down to three four.

14 Q At the time you worked for him what was the range?

15 A I would say around maybe he kept four or five guys.

16 Q So the three or four years you were one of three or
17 four guys that worked for him?

18 A Right. I think some guys started before me, but I
19 kind of ended up with them when he sold, or when Jim
20 took over.

21 Q Mr. Tays has asked you about the products used at,
22 when you worked for Insulation Industries and you
23 talked about fiberglass One Cote cement and
24 urethane. Is there any other products that you can
25 think of now at this point?

1 A I don't think so. I mean, maybe a little bit of
2 block when we did a breaching, but that would have
3 been all asbestos-free too, you know, Calsil
4 asbestos-free stuff.

5 MR. SCHIMMEL: Okay, thank you. I have no
6 other questions.

7 THE WITNESS: Sure.

8 MR. DES ROCHERS: Just for the record,
9 Mr. Tays has just stated that he was not going to be
10 calling Mr. William Best at Bruce Tate's trial or
11 he's not going to be calling him as a witness at
12 Bruce Tate's case, right, Mr. Tays?

13 MR. TAYS: That's correct.

14 (End of proceedings)

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1 STATE OF WISCONSIN)
) SS:
2 MILWAUKEE COUNTY)

3 I, Dianne Gordon-Caliva, a Notary Public in
4 and for the State of Wisconsin, do hereby certify that the
5 above transcript was recorded by me and reduced to writing
6 under my personal direction.

7 I further certify that said transcript was
8 taken at 1233 North Mayfair Road, Milwaukee, Wisconsin, on
9 the 22nd day of January, 1991, commencing at 12:30 p.m. and
10 concluding at 1:17 p.m.

11 I further certify that I am not a relative
12 or employee or attorney or counsel of any of the parties,
13 or a relative or employee of such attorney or counsel, or
14 financially interested in this action.

15 In witness whereof, I have hereunder set my
16 hand and affixed my seal of office at Hales Corners,
17 Wisconsin, on the 24th day of January, 1991.

18
19
20
21 *Dianne Gordon-Caliva*
22
23 Dianne Gordon-Caliva
24 Notary Public in and for the
25 State of Wisconsin.
 My Commission Expires 6/26/94.